

JUL 18 2007

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

BENJAMIN SHANE FOSTER)
aka Benjamin Shawn Foster)

CR. NO. 3:07cr150-MHT
[18 USC 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about May 11, 2007, in Randolph County, within the Middle District of Alabama,

BENJAMIN SHANE FOSTER
aka Benjamin Shawn Foster,

defendant herein, having been convicted of the following felony offenses, crimes punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit:

- 1) June 3, 2002, Receiving Stolen Property 2nd, case number CC 2001 000220, in the Circuit Court of Randolph County, Alabama;
- 2) June 3, 2002, Receiving Stolen Property 2nd, case number CC 2001 000143, in the Circuit Court of Randolph County, Alabama;
- 3) May 21, 1997, Extortion 2nd, case number CC 96 000136, in the Circuit Court of Randolph County, Alabama;
- 4) April 29, 1996, Theft of Property 1st, case number CC 96 000043, in the Circuit Court of Randolph County, Alabama;
- 5) March 29, 2000, Perjury 1st, case number CC 1999 000090, in the Circuit Court of Randolph County, Alabama;

did knowingly possess in and affecting interstate commerce a firearm, to-wit:

a Remington, Model 7400, .30-06 rifle, a better description of which is unknown to the grand jury,

in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment the defendant,

BENJAMIN SHANE FOSTER
aka Benjamin Shawn Foster,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including but not limited to the following:

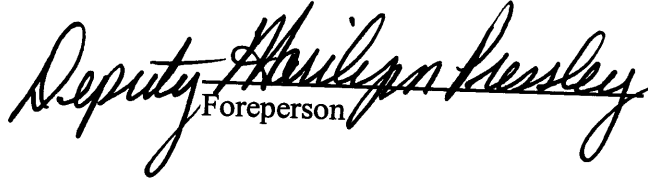
A Remington, Model 7400, .30-06 rifle, a better description of which is unknown to the grand jury;

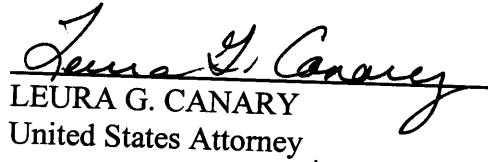
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

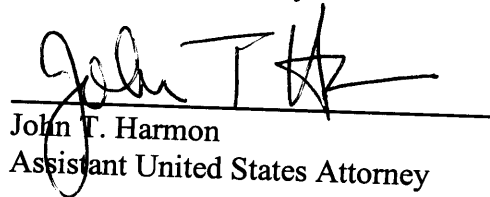
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described above.

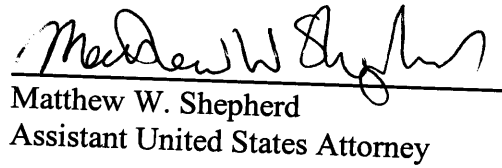
All in violation of Title 18, United States Code, Section 922.

A TRUE BILL:


Deputy Foreperson


LEURA G. CANARY
United States Attorney


John T. Harmon
Assistant United States Attorney


Matthew W. Shepherd
Assistant United States Attorney